

REMARKS

Claims 1-28 are pending in the application.

In the Office Action, the Examiner withdrew the earlier rejections but then applied new art against the claims. The Examiner therefore did not make the rejection final.

More specifically, in the most recent Office Action, the Examiner rejected claims 1-3, 12, and 20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,670,940 to Holcomb et al.; rejected claims 4, 9, 14, and 21-22 under 35 U.S.C. 103(a) as being unpatentable over Holcomb et al. in view of U.S. Patent No. 6,367,011 to Lee et al.; rejected claim 13 under 103(a) as being unpatentable over Holcomb in view of U.S. Patent No. 6,484,260 to Scott et al.; and rejected claims 5-8, 10, 11, 15-19, and 23-28 under 103(a) as being unpatentable over Holcomb in view of Lee, in further view of U.S. Patent No. 5,774,053 to Porter. The rejections, thus, are all based on the application of Holcomb as a primary reference.

Applicants appreciate the thoroughness of the Examiner's Office action and the opportunity to address the Action and explain why the art of record does not anticipate or render obvious the claimed inventions. Applicants respectfully traverse the Examiner's rejections and submit that the claimed combinations presented in the claims represent patentable improvements over the prior art. As explained below, the prior art neither anticipates nor teaches nor suggests the claimed inventions. Moreover, the references cannot be selected or combined, except in impermissible hindsight.

Applicants respectfully traverse the Examiner's rejection of claims 1-3, 12, and 20 as being anticipated by Holcomb. In order for a claim to be anticipated by a prior art reference under 35 U.S.C. § 102, all elements of the claim must be present in the reference. "A claim is anticipated only if each and every element as set forth in the

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claim is found, either expressly or inherently described, in a single prior art reference.”

MPEP 2131. “The identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP 2131.

Each of the claims of the present invention is drawn to a combination of structural elements that is patentable over the disclosure of Holcomb. With regard to independent claim 1, Holcomb fails to disclose at least “a validation system including a control unit to generate a validation key using the second key, ... the control unit comparing the access key and the validation key and causing the security device to allow access to the designated area if the access key matches the validation key” (emphasis added).

Holcomb teaches an electric lock system that operates to block access to a room when a guest key has been used and the guest is detected as being present in the room. The electric lock system thus blocks access by those with keys (e.g., housecleaning staff) who would otherwise be granted access (Holcomb at Abstract). The system includes a key generating station that transmits an access code (alleged to be the “second key”) to a microcontroller 13 located at the point of entry (Id. at 1:35-40). The key generating station also encodes a key code (alleged to be the “first key”) onto a key card. When the key card is applied to the electronic lock, the microcontroller reads the key code stored on the key card, opening the lock if the key code matches the access code (Id. at 1:23-33). However, Holcomb does not teach or suggest that microcontroller 13 generates a validation key using the second key and subsequently compares the validation key to the access key to determine if the access key is permitted entry, as required by claim 1. Rather, the system disclosed by Holcomb merely compares the access key stored in microcontroller 13 to the key code read from

the key card (Id. at 4:50-59). The further step of generating a validation key based upon the access key, or second key, is not disclosed.

For at least these reasons, Holcomb fails to anticipate independent claim 1. Each of Claims 2-19 depend from claim 1 and therefore include the same patentable combination of elements, while reciting additional elements that further distinguish over the applied prior art. Accordingly, Applicants submit that the Examiner should withdraw the anticipation rejection of claims 1-3 and 12 and that claims 1-3 and 12 be allowed. Applicants also submit that each of claims 1-19 should be allowed, because of the material deficiencies of the primary reference to Holcomb.

Independent claim method 20 recites “using the second key, generating a validation key; and comparing the access key and the validation key and causing the security device to allow access to the designated area if the access key matches the validation key.” Claim 20 is therefore similar to claim 1 in this respect. Accordingly, at least for reasons discussed above with respect to claim 1, claim 20 is not anticipated by but instead is allowable over Holcomb. Because the rejection of dependent method claims 21-28 is based on the application of Holcomb as a primary reference, Applicants submit that each of claims 26-28 are allowable.

Applicants further respectfully traverse the Examiner’s rejection of claims 4, 9, 14, and 21-22 under 35 U.S.C. 103(a) as being unpatentable over Holcomb in view of Lee. To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. As stated above, Holcomb fails to disclose at least “a validation system including a control unit to generate a validation key using the second key, ... the control unit comparing the

access key and the validation key and causing the security device to allow access to the designated area if the access key matches the validation key” language included in claims 4, 9 and 14. Likewise, Holcomb fails to disclose at least “using the second key, generating a validation key; and comparing the access key and the validation key and causing the security device to allow access to the designated area if the access key matches the validation key” from claims 21-22. Nothing in Lee teaches or suggests these limitations, as Lee is cited by the Examiner only for allegedly disclosing a non-volatile memory, a proximity detector, and multiple encryption keys. Therefore, Lee fails to overcome the deficiencies of Holcomb. Applicants respectfully submit that claims 4, 9 and 14 are therefore allowable at least due to their dependence from claim 1, and claims 21-22 are allowable at least due to their dependence from claim 20.

The Examiner’s rejection of claim 13 under 35 U.S.C. 103(a) as being unpatentable over Holcomb in view of Scott is likewise respectfully traversed. Nothing in Scott teaches or suggests the limitations absent from Holcomb, as discussed above. Scott is cited by the Examiner only for allegedly disclosing a garage door opener, and thus fails to overcome the deficiencies of Holcomb. Accordingly, Applicants respectfully submit that claim 13 is allowable at least due to its dependence from claim 1.

Applicants respectfully traverse the Examiner’s rejection of claims 5-8, 10-11, 15-19, and 23-28 under 35 U.S.C. 103(a) as being unpatentable over Holcomb in view of Lee, further in view of Porter. As discussed with respect to claims 4, 9, 14, and 21-22 above, Lee fails to overcome the deficiencies of Holcomb. In Porter, controller 46 merely stores vendor codes that are compared to the input of keypad 26. Therefore, Porter fails to teach “ a control unit to generate a validation key using a second key.”

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Therefore, the limitations absent from Holcomb are not taught or suggested by Porter. Accordingly, Applicants respectfully submit that claims 5-8, 10-11, 15-19, and 23-28 are allowable at least due to their dependence from claims 1 and 20.

In summary, Applicants submit that none of the art discloses each and every claimed element. Nor does the art in combination teach or suggest the claimed inventions, as they must if they are to be combined. Finally, Applicants respectfully submit that the proposed combination of the prior art is based on a hindsight reconstruction of the prior art, rather than an objective review of the prior art as a whole and the teachings and disclosure of the prior art.

In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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